



THE CITY OF NEW YORK  
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May 27, 2016

**BY ECF**

Honorable Judge George B. Daniels  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: Erickson Cabrera v. City of New York et al.  
16 CV 1098 (GBD)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney assigned to the defense of the City and Police Officer Brian Dennis in the above-referenced matter. The parties jointly request that the Court remove this case from the Southern District of New York's § 1983 Plan.

Defendants intend to move to dismiss the matter pursuant to Rule 12(c) of the Federal Rules of Civil Procedure. Upon reviewing Your Honor's Individual Rules of Practice we understand a pre-motion conference is not required. However this office respectfully writes to request the Court allow defendants to discuss their potential motion at the Initial Conference scheduled for June 16, 2016 at 9:30 a.m.

Plaintiff claims in his Complaint he was subject to unlawful search and seizure, false arrest and false imprisonment, bias-based profiling and malicious prosecution by members of the New York City Police Department. Plaintiff makes related state law claims. Plaintiff filed a Notice of Claim in this action on November 12, 2016 and gave testimony at a 50-H hearing on February 5, 2016. Plaintiff originally filed this action on February 26, 2016. Defendants answered on May 6, 2016.

The two parties discussed participating in the 1983 Plan Mediation pursuant to Local Rule 83.10 and have agreed it would not lead to settlement at this time. The parties therefore request that Your Honor remove this case from the § 1983 Plan and defendants request permission to discuss its potential motion at the Initial Conference Scheduled for June 16, 2016 at 9:30 a.m.

Respectfully submitted,



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Paul H. Johnson  
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cc: Gabriel Harvis, Esq. (via ECF)  
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